

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, : No. 22 Civ. 09608 (PKC)
: Plaintiff,
: v.
: INFINITY Q DIVERSIFIED ALPHA FUND,
: Defendant.
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**THE MUTUAL FUND OPT-OUT PLAINTIFFS' NOTICE OF MOTION TO
INTERVENE FOR THE LIMITED PURPOSE OF MODIFYING THE
CONSENTED TO ORDER APPOINTING SPECIAL MASTER AND
IMPOSING LITIGATION INJUNCTION (ECF NO. 15)**

The Mutual Fund Opt-Out Plaintiffs¹ respectfully move the Court, in Courtroom 11D of the Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007-1312, at a date and time to be set by the Court, for an order or orders (i) permitting the Mutual Fund Opt-Out Plaintiffs to intervene in the above-captioned action (the “Action”) for limited purposes; (ii) modifying the Consented To Order Appointing Special Master and Imposing Litigation Injunction entered in the Action (ECF No. 15) to permit the Mutual Fund Opt-Out Plaintiffs’ state court actions to proceed against (a) the Trust for Advised Portfolios (“TAP”), including Infinity Q Diversified Alpha Fund (the “Mutual Fund”), and U.S. Bank’s agents, including the current and former trustees and officers of the Mutual Fund, Quasar Distributors, LLC, and U.S. Bancorp Fund Services, LLC, or (b) at a minimum, against U.S. Bank’s agents (other than TAP and the Mutual Fund); and (iii) vacating the appointment of Andrew Calamari as

¹ The Mutual Fund Opt-Out Plaintiffs are identified on Exhibit A hereto.

Special Master. This Motion is based on the accompanying Memorandum of Law in Support of the Mutual Fund Opt-Out Plaintiffs' Motion to Intervene for the Limited Purpose of Modifying the Consented To Order Appointing Special Master and Imposing Litigation Injunction (ECF No. 15).

Dated: February 24, 2023

Respectfully submitted,

By: /s/ Lawrence M. Rolnick

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The Mutual Fund Opt-Out Plaintiffs